

REMARKS

The comments of the applicant below are each preceded by related comments of the examiner (in small, bold type).

Claims 1-34 are pending in this application

Claim Rejections – 35 USC §112

The following is a quotation of the second paragraph of 35 U.S.C. §112:

The specification shall conclude with one or more claims particularly pointing out an distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-19, 24-34 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term “substantially” in claims 1-19, 24-34 is a relative term which renders the claim indefinite. The term “substantially” is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claims 1, 12, 31, and 33 have been amended. Neither claim 24 nor its dependent claims include the term “substantially.”

Claim Rejections – 35 USC §102

The following is a quotation of the appropriate paragraphs of 35 USC 102 that form the basis for the rejections under this section made in this office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-34 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6,662,230 issued to Eichstaedt et al. (Eichstaedt).

As per claim 1, 12, 20, 24, 26, 31, 33 Eichstaedt teaches a method comprising: generating information, at first and second points of a network, about unwanted communications that are adapted to substantially reduce the ability of a target device to respond to other communications (Abstract); and analyzing the information generated at the first and second points to identify which of the points first carried the unwanted communications (Abstract, Fig. 1-2, col. 3, line 41-col. 4, line 38; the timestamp keeps track of when the request is sent); blocking communications passing through the first network to the second network (Abstract, Fig. 3).

The applicant respectfully disagrees. Eichstaedt neither discloses nor suggests “generating information, at first and second points of a network, about unwanted communications,” and “identify[ing] which of the points first carried the unwanted communications,” as recited in claim 1. Rather, Eichstaedt describes generating information about unwanted communications at only one point in a network (i.e., at the data protection system 11). In FIG. 1 and accompanying text in col. 5, line 62 – col. 6, line 45, Eichstaedt discloses that the data protection system 11 generates information about unwanted communications. “Data protection system 11 distinguishes legitimate users from abusive robots .. (col. 65, lines 64-66).” Eichstaedt, however, is silent as to whether a second point in the network generates information about unwanted communications. Furthermore, nowhere does Eichstaedt describe identifying which of two such points first carried the unwanted communications.

Eichstaedt neither discloses nor suggests “identifying a source sub-network of unwanted communications,” as recited in claim 12. The sources of unwanted communications identified in Eichstaedt are individual client machines 16 that are not disclosed as belonging to a sub-network. “A robot 24 may operate through a set of client machines 16 which do not appear to server 18 to be connected with one another (col. 5, lines 41-43).” Although Eichstaedt discloses a sub-network of client computers 14 connected to an Internet through gateway 22, Eichstaedt does not disclose that the sub-network could be a source of unwanted communications. Rather, Eichsteadt discloses distinguishing between requests sent from an individual machine and requests sent from a sub-network of clients 14 sharing the same IP address so that the sub-network of clients 14 is not mistaken for a robot. “Multiple users with a single IP address might exceed the

maximum frequency, but will make random, uncorrelated requests and, as a group, will repeatedly request the same data objects. Robots, on the other hand, make systematic requests and do not repeat requests (col. 8, lines 7-12)."

Eichstaedt neither discloses nor suggests "first and second interface devices for detecting and generating information about unwanted messages directed to a target device," as recited in claim 20. Rather, Eichstaedt describes only one interface device (i.e., data protection system 11) for detecting and generating information about unwanted messages directed to the web server 18.

Claim 24 is patentable for at least the reasons for which claim 12 is patentable.

Claims 31 and 33 are patentable for at least the reasons for which claim 1 is patentable.

As per claim 2 ...

As per claim 3 ...

As per claim 4 ...

As per claim 5 ...

As per claim 6, 19 ...

As per claim 7 ...

As per claim 8 ...

As per claim 9, 13, 23, 28, 29 ...

As per claim 10, 14 ...

As per claim 21...

As per claim 32, 34 ...

Claims 2-11 are patentable for at least the reasons for which claim 1 is patentable. Claims 13-19 are patentable for at least the reasons for which claim 12 is patentable. Claims 21-23 are patentable for at least the reasons for which claim 20 is patentable. Claims 25-30 are patentable for at least the reasons for which claim 24 is patentable. Claim 32 is

patentable for at least the reasons for which claim 31 is patentable. Claim 34 is patentable for at least the reasons for which claim 33 is patentable.

All of the dependent claims are patentable for at least the reasons for which the claims on which they depend are patentable.

Canceled claims, if any, have been canceled without prejudice or disclaimer.

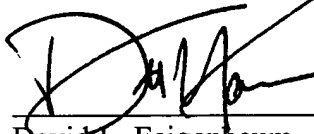
Any circumstance in which the applicant has (a) addressed certain comments of the examiner does not mean that the applicant concedes other comments of the examiner, (b) made arguments for the patentability of some claims does not mean that there are not other good reasons for patentability of those claims and other claims, or (c) amended or canceled a claim does not mean that the applicant concedes any of the examiner's positions with respect to that claim or other claims.

Please apply any other charges or credits to deposit account 06-1050, referencing Attorney Docket Number 10559-504001.

Date: _____

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Respectfully submitted,



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